

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SHAW FAMILY ARCHIVES, LTD., EDITH  
MARCUS and META STEVENS,

Plaintiffs,

-against-

CMG WORLDWIDE, INC., an Indiana Corporation:  
and MARILYN MONROE, LLC, a Delaware  
Limited Liability Company,

Defendants.

Index No. 05 CV 3939 (CM)

Hon. Colleen McMahon

## SECOND DECLARATION OF DAVID MARCUS

I, DAVID MARCUS, an attorney duly licensed to practice law before this Court,  
declare the following facts under penalty of perjury:

1. I represent Shaw Family Archives, Ltd., Edith Marcus, Meta Stevens and Bradford Licensing Associates (collectively referred to as the “Shaw Family”) in the above-captioned matter and am fully familiar with the facts set forth herein. I respectfully submit this declaration on behalf of the Shaw Family in further support of their position that Marilyn Monroe was domiciled in New York and in further support of their Motion for Summary Judgment in support of Count 9 of their complaint.

2. Annexed hereto as Exhibit A is a true and correct copy of the Decision and Order of the Honorable Margaret Morrow, dated March 17, 2008.

3. Annexed hereto as exhibit B is a true and correct copy of a letter from Paula Colbath to Honorable Colleen McMahon, dated January 16, 2008.

4. Annexed hereto as Exhibit C is a true and correct copy of an Order of the Honorable Colleen McMahon, dated November 29, 2008.

5. Annexed hereto as Exhibit D is a true and correct copy of a petition of Nancy Miracle filed in the New York Surrogate's Court, dated February 26, 2002.

6. Annexed hereto as Exhibit E is a true and correct copy of a print-out from Mark Roesler's website located at <http://www.MarkRoesler.com/>, printed on March 24, 2008.

7. Annexed hereto as Exhibit F is a true and correct copy of a stipulation between the parties, So-Ordered by Honorable Colleen McMahon, dated March 6, 2008.

8. Annexed hereto as Exhibit G is a true and correct copy of an electronic communication from David Marcus to Paula Colbath, dated January 4, 2008.

9. Annexed hereto as Exhibit H is a true and correct copy of an Order from the Civil Court of the City of New York, New York County, dated February 10, 1956. MM 0000056-57

10. Annexed hereto as Exhibit I are true and accurate copies of Marilyn Monroe Productions, Inc.'s Employer's Quarterly Tax Returns, for 1960 to 1961. MM 0010428-10442

11. Annexed hereto as Exhibit J is a true and accurate copy of Marilyn Monroe's conversion certificate, dated July 1, 1956, and description of the conversion certificate from an auction catalog. MM 0004217-4218

12. Annexed hereto as Exhibit K is a true and correct copy of excerpts from the book entitled Marilyn Monroe: The Biography, by Donald Spoto (Harper Collins 1993).

13. Annexed hereto as Exhibit L is a true and correct copy of a letter from Abraham Marcus to Inez Melson, dated October 8, 1959, together with a petition for appointment of conservator. MM 0012679-12682

14. Annexed hereto as Exhibit M is a true and correct copy of Letters of Conservatorship from the California Superior Court, dated December 21, 1959. MM 0009390

15. Annexed hereto as Exhibit N is a true and correct copy of excerpts from the deposition of Anna Strasberg, taken on January 4, 2008.

16. Annexed hereto as Exhibit O is a true and correct copy of a reply letter from Sam Shaw, date stamped April 10, 1987. SFA 1091

Dated: New York, New York  
March 27, 2008

LAW OFFICES OF CHRISTOPHER SERBAGI



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